

State of South Dakota

EIGHTY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2006

664M0513

SENATE BILL NO. 78

Introduced by: Senator Knudson and Representative Michels

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the submission of
2 direct legislation to a vote of the people at a general election.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 2-1-2 be amended to read as follows:

5 2-1-2. The petition shall be filed in the ~~office of the secretary of state~~ Office of the Secretary
6 of State by the first Tuesday in ~~May~~ April of a general election year for submission to the
7 electors at the next general election.

8 Section 2. That § 2-1-6.2 be amended to read as follows:

9 2-1-6.2. The full text of any initiative petition, referred law petition, or initiated
10 constitutional amendment petition, the date of the general election at which the initiated law or
11 initiated constitutional amendment is to be submitted, and the names and addresses of the
12 petition sponsors shall be filed with the secretary of state prior to circulation for signatures. The
13 signer's post office box number may be given in lieu of a street address if the signer lives within
14 a municipality of the second or third class. The form of the petitions shall be prescribed by the
15 State Board of Elections. For any initiated constitutional amendment petition, no signatures may
16 be obtained more than twenty-four months preceding the general election that was designated



1 at the time of filing of the full text. For any initiative petition, no signatures may be obtained
2 more than ~~eighteen~~ nineteen months preceding the general election that was designated at the
3 time of filing of the full text. An initiative petition and an initiated constitutional amendment
4 petition shall be filed with the secretary of state by the date set forth in § 2-1-2 or 2-1-2.1, as
5 applicable. All sections of any petition filed under this chapter shall be filed with the secretary
6 of state simultaneously together with a sworn affidavit on forms promulgated by the State Board
7 of Elections, signed by two-thirds of the sponsors stating that the documents filed constitute the
8 entire petition and to the best of their knowledge contain a sufficient number of signatures.

9 Section 3. That § 12-13-9 be amended to read as follows:

10 12-13-9. Before the ~~fourth~~ third Tuesday in ~~July~~ May, the attorney general shall deliver to
11 the secretary of state ~~the~~ an attorney general's statement; for each proposed amendment to the
12 Constitution and each initiated measure. The attorney general's statement for each referred
13 measure shall be delivered to the secretary of state before the second Tuesday in July. The
14 attorney general's statement shall consist of the title, the explanation, and a clear and simple
15 recitation of the effect of a "Yes" or "No" vote. The explanation shall ~~state succinctly~~ be an
16 objective, clear and simple summary to educate the voters of the purpose and ~~legal~~ effect of the
17 proposed amendment to the Constitution, the initiated measure, or the referred law. The
18 ~~explanation shall be a clear and simple summary of the issue and~~ attorney general may include
19 a description of the legal consequences and practical effect of the proposed amendment, the
20 initiated measure, or the referred law, including the likely exposure of the state to liability if the
21 proposed amendment, the initiated measure, or the referred law is adopted. The explanation may
22 not exceed ~~two~~ three hundred words in length. On the printed ballots, the title shall be followed
23 by the explanation and the explanation shall be followed by the recitation.

24 Section 4. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 In the year 2006, the attorney general's statement for each proposed amendment to the
3 Constitution and each initiated measure shall be delivered to the secretary of state before the
4 second Tuesday in July.

5 Section 5. That § 12-13-23 be amended to read as follows:

6 12-13-23. The secretary of state shall ~~prepare and~~ distribute public information on any
7 constitutional amendment, initiated, or referred measure submitted to the electors for approval.
8 The secretary of state shall compile the public information by printing a statement in support
9 of the constitutional amendment, initiated, or referred measure written by its proponents, if any
10 can be identified, and a statement against the constitutional amendment, initiated, or referred
11 measure written by its opponents, if any can be identified. The secretary of state is not
12 responsible for the contents, objectivity, or accuracy of the statements written by the proponents
13 and opponents.

14 Section 6. That chapter 12-13 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 The secretary of state shall, within five days of delivery from the attorney general, make the
17 attorney general's statement for each proposed amendment to the Constitution, each initiated
18 measure, and each referred law available to any person upon request.